HIGH COURT OF CHHATTISGARH AT BILASPUR

(19)

M.A. No. 557 of 2005

Appellants	1.	Smt. Shanti Bai, Aged about 39 years, Widow of Shri Ram Siware.
	2.	Ku. Geeta Bai, Aged about 15 years, D/o Late Shri Ram Siware.
	3.	Tilak Ram, Aged about 13 years, S/o Shri Ram Siware.
	4.	Ku. Kalyani Bai, Aged about 7 years, D/o Late Shri Ram Siware.
	5.	Naresh Kumar S/o Late Shri Ram Siware, Aged about 4 years. Appellant No. 2 to 5 are minor through guardian mother Appellant No. 1, All are resident of Village Tada, Post Akoli, P.S. Dharsiwa, Distt.-Raipur (C.G.).
	Versus	
Respondents	1.	Smt. Rajindar Kaur W/o Manindar Singh, R/o Near Bhawarkunwa Chauraha, Ashok Nagar, Indore (M.P.).
	2.	Satyanarayan Pal, Truck Driver, R/o Gaur Simrom, Tahsil Mahu, Distt.-Indore (M.P.).
	3.	The Oriental Insurance Company Limited, through Divisional Manager, Division Office-Kachahari Chowk, Jail Road, Raipur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. S. C. Verma, Advocate for the appellants.

Mr. Vinay Harit, Senior Advocate with Shri Narayan Shrivastava, Advocate for the Respondent No.3.

ORAL ORDER

(2nd December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

1. This is a death case. The only contention of learned counsel for the appellant is that having regard to the age of the deceased as on the date of accident, the M.A.C.T. ought to have applied multiplier 16, but, it has wrongly applied multiplier 15. The deceased as on the date of accident was 39 years of age, therefore, as per the Second Schedule appropriate multiplier to be applied for assessing loss of

dependency is 16. If we apply multiplier 16 loss of dependency comes to Rs. 3,20,000/-. In that view of the matter we award a sum of Rs. 3,20,000 under the head 'loss of dependency' in place of Rs. 3,00,000/- awarded by the M.A.C.T. The award shall stand modified accordingly. In all other respects, the impugned award shall remain unaltered. The parties shall bear their respective costs in this appeal.

(16)

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Thakur